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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third and fourth periodic reports of Saudi Arabia

Addendum

Replies of Saudi Arabia*

[Date received: 7 November 2017]

Note: The present document is being circulated in Arabic, English, French and Spanish only.
* The present document is being issued without formal editing.

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Introduction

1. This document contains the replies and comments of the Kingdom of Saudi Arabia concerning the list of issues and questions raised by the Committee on the Elimination of All Forms of Discrimination against Women [1] in document CEDAW/C/SAU/Q/3-4, dated 31 July 2017. Numerous legislative and procedural measures designed to promote human rights principles and safeguards, including the rights guaranteed by the Convention, have been adopted and will be reviewed in the course of replying to the list of issues and questions. The Kingdom's replies to the list of issues and questions follow below in the same order as in the document.

Reply to paragraph 1 of the list of issues and questions

2. The Kingdom of Saudi Arabia applies the principle of separation of powers and cooperation among them in order to realize justice, equality and other principles relating to human rights. The Basic Law of Governance promulgated by Royal Order No. A/90 of 27 Sha'ban A.H. 1412 (20 March A.D. 1992) established the authorities of the State, with article 44 thereof providing that: "The authorities of the State comprise: the judicial authority; the executive authority; the regulatory authority. These authorities shall cooperate in the performance of their functions in accordance with this and other laws. The King is the ultimate arbiter of these authorities."

3. With regard to the role of non-State actors, a number of awareness programmes have been introduced with the aim of widening knowledge about the Convention. These programs have included conferences, seminars, workshops and training courses for the general public and targeted programmes for judges, prosecutors, law enforcement officials, lawyers and representatives of civil society institutions. The Ministry of Islamic Affairs, Endowments and Guidance instructs mosque preachers and imams to raise awareness of human rights, including women's rights, from their pulpits.

Reply to paragraph 2 of the list of issues and questions

4. The Kingdom's laws work together to prohibit discrimination against women, one of the consequences of such discrimination being that it lessens or hampers recognition of women's human rights. Having being ratified by the Kingdom pursuant to Royal Order No. M/25 of 28 Jumada I A.H. 1421 (28 August A.D. 2000), the Convention became part of its domestic law and those of its provisions by which the Kingdom is bound acquired the same status as that law, in that the legal instrument of accession to the Convention (royal decree) is the same as the instrument by which the Kingdom's laws are promulgated. Article 70 of the Basic Law of Governance provides that: "Laws, treaties, international conventions and concession agreements shall be promulgated and amended by royal decree."

Reply to paragraph 3 of the list of issues and questions

5. In the Kingdom of Saudi Arabia, the review of existing human rights laws and the proposal of new bills of law is a continuous process based on how the human rights situation is affected by shifts in present-day circumstances and progress in development. This is particularly so now that the Kingdom, as part of its Vision 2030 approved by Cabinet Decision No. 308 of 18 Rajab A.H. 1437 (25 April A.D. 2016), is working to bring about wide reform in all areas and at all levels, including in its legislative, administrative, judicial and other structures. The Shura Council, in accordance with the Shura Council Act promulgated by Royal Order No. 91 of 27 Sha'ban A.H. 1412 (2 March A.D. 1992), together with the government bodies

[1] Hereinafter referred to as "the Convention".

whose functions relate to human rights or to specific areas thereof, review existing laws and propose new bills of law as required in order to protect and promote human rights on the ground. A compendium of judicial decisions is currently being prepared in accordance with Royal Order No. A/20 of 7 Safar A.H. 1436 (29 November A.D. 2014), which provided for the establishment of a legal committee to undertake that task. Consisting of binding decisions, the compendium includes a chapter on personal status. The Code of Criminal Procedure promulgated by Royal Order No. M/2 of 22 Muharram A.H. 1435 (25 November A.D. 2013) is also being reviewed at the present time and several bills of law are under consideration, including in particular one on juveniles and another on abuse of power. The compendium of judicial decisions referred to in paragraph 4 is likewise under consideration.

6. In accordance with its Statute, promulgated by Cabinet Decision No. 207 of 8 Sha'ban A.H. 1426 (12 September A.D. 2005), as amended by Cabinet Decision No. 237 of 5 Jumada I A.H. 1437 (14 March A.D. 2016), the Human Rights Commission gives an opinion on bills of law relating to human rights, reviews existing laws, and proposes amendments thereto. A number of royal and supreme orders relating directly or indirectly to women's rights have been promulgated, most notably as follows:

§ Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), which includes the following directives:

- All government entities shall refrain from requesting a woman to obtain a person's permission for them to provide services to her or conclude procedures for her;
- Government entities shall take the necessary action to provide appropriate transport for their female workers, where possible;
- Employers shall provide transport for female workers, as required under the Labour Code;
- Support shall be provided to the Human Rights Commission for instituting programmes designed to increase the visibility of the international conventions to which the Kingdom has acceded, specifically through a comprehensive plan for raising awareness of women's rights, the media and educational and training institutions, in cooperation with the relevant authorities;
- Entities offering services for women shall disseminate directives and information concerning the related procedures on their official websites.

§ Supreme Order No. 27808 of 16 Jumada II A.H. 1438 (15 March A.D. 2017), concerning a study of domestic violence cases, best procedures for dealing with cases relating to guardianship and custody, and the appropriateness of them continuing to be exercised by either parent. The Order contains a number of directives on the subject, in particular with respect to:

- Instructing the Supreme Court to expedite promulgation of the judicial principles relating to cases of domestic violence in general, whether in the criminal or personal status courts, so as to attain various goals, including those of achieving the interest of children and protecting them from harm; minimizing any discrepancy among judges in their decisions; laying down basic criteria for decisions; and helping judges to identify the party most suitable to take custody of a child;
- Reviewing relevant laws and proposing appropriate amendments thereto so as to regulate work and facilitate procedures in cases involving custody, guardianship and domestic violence;

- Preparing and regularly updating, on the basis of case law, guidance on raising awareness of domestic violence issues in general, and of custody and other related issues, in order to inform judges and other interested persons and enhance the legal culture within society;
- Continuing to implement training plans for judges; increase specialized comprehensive training programmes covering the sharia-related, legal, social and psychological aspects of domestic violence and other relevant issues; and train personal status experts and staff working in court-based social services offices;
- Organizing programmes for judges throughout the Kingdom, in conjunction with the relevant entities, in order to familiarize them with the Abuse Protection Act promulgated by Royal Decree No. M/52 of 15 Dhu al-Qidah A.H. 1434 (21 September A.D. 2013), the Child Protection Act promulgated by Royal Decree No. M/14 of 3 Safar A.H. 1436 (25 November A.D. 2013), together with its implementing regulation, and other relevant laws, regulations and directives; and holding special panel discussions concerning the substantive and procedural aspects vis-à-vis the mechanism for improving the judicial process;
- Holding in towns and governorates regular joint gatherings and meetings of courts, relevant government organs (Ministry of Health, Ministry of Labour and Social Development, Public Security and others) and likewise relevant charitable and private associations so that they can coordinate and forge effective partnerships for assisting courts with the aim of speeding up their work and enhancing the quality of their decisions; preparing and continuously updating — in the light of that coordination — a guide to the government, charitable and private bodies from which courts may seek assistance in assessing the health-related, psychological and social circumstances of parties to proceedings; and setting out the tasks of each body;
- Coordinating with the Ministry of Finance to ensure that public courts, personal status courts and criminal courts have adequate support from researchers, social workers and psychologists able to provide professional advice to judges hearing cases involving domestic violence, custody or guardianship.

§ **Cabinet Decision No. 679 of 15 Dhu al-Qidah A.H. 1438 (7 September A.D. 2017) approving the Statute of the Maintenance Fund** with the aim of guaranteeing that maintenance is paid to recipients without delay, as provided for in article 3 of the Statute. Under article 4 of the Statute, the Fund is responsible for the payment of an award of maintenance to the person concerned where, in cases other than insolvency, the award has not been implemented; for the payment of maintenance ordered by a court to a person whose claim is still pending before it; and for the payment of temporary maintenance to a recipient before any maintenance has been awarded, with the proviso that the Fund is to retrieve the amounts payable to the recipient under the award. If it is decided to refuse maintenance, recipients must return the amounts paid to them from the Fund within two months of the date when the decision becomes final.

§ **Supreme Order of 6 Muharram A.H. 1439 (26 September A.D. 2017) approving application of the provisions of the Traffic Act and its implementing regulation, including the issuance of driving licences to males and females alike.** This Order, as stated therein, will be implemented as from 10 Shawwal A.H. 1439 (24 June A.D. 2018).

§ **Supreme Order No. 906 of 6 Muharram A.H. 1439 (26 September A.D. 2017) concerning the preparation of a bill of law on harassment for submission within 60 days.** This bill builds on the Kingdom's efforts to codify discretionary offences by promulgating criminal laws in which such offences are characterized and appropriate penalties prescribed for their commission. Harassment is a criminal offence under the Islamic sharia from which the Kingdom derives all its laws.

7. The Kingdom has no laws featuring male guardianship over women, guardianship or tutorship in their title. Women enjoy the rights mentioned in paragraph 3 of the list of issues and questions without having to obtain anyone's permission. As to marriage and divorce, they are personal status matters governed by the Islamic sharia, as was indicated in the report.

Reply to paragraph 4 of the list of issues and questions

8. The Kingdom constantly appraises the fulfilment of its obligations under the human rights conventions to which it is a party, including the Convention on the Elimination of All Forms of Discrimination against Women. In so doing, it reviews the reservations it has expressed to such conventions. During previous reviews, it transpired that those reservations had no practical impact on the purposes and objectives of the provisions of the Convention. In addition, several measures have been taken to promote the rights enunciated in some of the reserved provisions of the Convention, most notably the promulgation of Cabinet Decision No. 406 of 27 Dhu al-Hijjah A.H. 1433 (12 November A.H. 2012) referred to in paragraph 23 of the report.

Reply to paragraph 5 of the list of issues and questions

9. The Kingdom affirms that the military operations within the framework of the coalition in support of legitimacy in Yemen, which began in 2015, are in full conformity with the rules of international humanitarian law and international human rights law. During the conflict, the forces of the coalition in support of legitimacy have not only avoided civilians, especially children and women, and civilian objects, but have also taken it upon themselves to protect them from the flagrant violations committed by the Houthi militias and Saleh forces, including indiscriminate attacks, killings, torture, enforced disappearances, forced evacuations, blockading and the involvement of children in armed conflict.

10. The forces of the coalition in support of legitimacy have imposed strict rules of engagement in accordance with the principles and provisions of international humanitarian law, in which respect the principal mechanisms and procedures are as follows:

§ Military targets are identified in stages, starting with the choice of target, which is examined and established as a military target by way of various sources to ensure that errors in the targeting mechanism are prevented.

§ The list of prohibited sites and sites that it is forbidden to target is continually refined and includes sites with a civilian presence, places of worship, premises of international institutions and organizations, and archaeological sites. This list is constantly updated and circulated to all forces of the coalition in support of legitimacy to ensure that all those concerned are fully aware of it.

§ Legal advisors are embedded in the planning and targeting units in order to study and approve proposed targets. No site is targeted until after it has been established as legitimate and consistent with the provisions of international humanitarian law.

§ In areas where there are military targets, warning leaflets are dropped prior to targeted operations as a precautionary measure to ensure that there are no civilians in the vicinity.

11. The forces of the coalition in support of legitimacy in Yemen have also established an independent incidents assessment team to investigate all allegations concerning the targeting of civilians, civilian installations and humanitarian organizations during their military operations. The team recently announced the findings of its investigation into a number of allegations, which were then reported at press conferences. The forces of the coalition in support of legitimacy in Yemen have furthermore devoted utmost attention to relief and humanitarian operations. An evacuation and humanitarian operations unit has been established to carry out all tasks relating to humanitarian operations, work in collaboration with international organizations to alleviate the suffering of the Yemeni people and provide essential food and medicine, and coordinate all movements of the humanitarian convoys of those organizations so as to ensure their safety during military operations, in direct and ongoing cooperation with the legitimate Yemeni Government.

12. Concerning the participation of Saudi women in formal and informal conflict prevention efforts, women are emgaged in political and public life in general, both formally and informally, through their membership of the Shura Council, their representation of the Kingdom in the work of the machinery and mechanisms of regional and international bodies, including the Human Rights Council, their occupation of decision-making positions, and their involvement in the King Abdulaziz Centre for National Dialogue, the media and other opinion platforms. The Kingdom is also bound by Security Council resolution 1325 (2000) and notes that the coalition in support of legitimacy in Yemen is in keeping with international law and a response to the request from the legitimate Government of Yemen. Security Council resolution 2216 (2015) recognizes the soundness of the measures taken by the States of the coalition in support of legitimacy in Yemen. With regard to women affected by the conflict in Yemen, it is a matter for the legitimate Government of Yemen. The Kingdom's laws, however, guarantee access to justice, as well as to compensation and assistance of various kinds, for women who claim any violation of their rights.

13. Given the current circumstances in the Republic of Yemen, the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, has directed that measures be taken to regularize the status of Yemenis who are irregular residents of the Kingdom by granting them visitors' cards for a six-month renewable period; exempting them from all related fees and fines; permitting them to work for companies and individuals in accordance with the current rules under the Ajeer system; and exempting them from the statutory fees for visas, work permits and medical insurance, as well as from penalties such as those for illegal entry and third-party employment, and from fines for breaches of the Residency Act and the Labour Code. Over half a million have had their status regularized.

Reply to paragraph 6 of the list of issues and questions

14. The report and the present note explain the impact of activities aimed at disseminating a human rights culture and human rights education, which includes greater familiarity with and knowledge of the Convention among judges, prosecutors, law enforcement officials, lawyers, civil society institutions and individuals, as well as a rise in female enrolment in general and higher education. The statistics contained in the report also clearly illustrate the positive impact of measures taken to protect and promote women's rights and encourage women's advancement.

15. Concerning further measures taken to increase the visibility of the Convention, Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), referred to in

paragraph 6 of this note, guarantees support to enable the Human Rights Commission, in conjunction with the concerned authorities, to introduce programmes designed to increase knowledge of the international conventions to which the Kingdom has acceded. The Judicial Training Centre established by Cabinet Decision No.162 of 24 Rabi' II A.H. 1435 (24 February A.D. 2014) as part of the Ministry of Justice has also been opened. The aim of the Centre is to raise the competence of judges, notaries public, clerks and other officials. Supreme Order No. 28277 of 12 Jumada II A.H. 1435 (21 March A.D. 2014) contains a directive to accelerate the operationalization of the Centre and include specialized training programmes for judges, in particular to inform them about the provisions of the international human rights conventions ratified by the Kingdom.

16. Several training activities for judges have been organized as part of the memorandum of understanding for technical cooperation concluded by the Kingdom, represented by the Human Rights Commission, with the Office of the United Nations High Commissioner for Human Rights (OHCHR). These have included a workshop for judges and prosecutors, held at OHCHR in Geneva from 2 to 6 Muharram A.H. 1438 (3 to 7 October A.D. 2016), on international fair trial standards.

Reply to paragraph 7 of the list of issues and questions

17. In addition to what is mentioned in the report and the present note about raising women's awareness of their rights, programmes and activities aimed at promoting awareness of those rights, including by increasing knowledge of them among women and girls, remain ongoing and take on new dimensions in the light of national priorities and initiatives and in order to accommodate modern methods and tools. Chief among those activities and programmes are:

- § Conferences, seminars and workshops held by governmental and non-governmental institutions to promote awareness of women's rights, including seminars and workshops organized by the Human Rights Commission as part of the memorandum of understanding concluded with OHCHR and referred to in paragraph 62 of the report.
- § Audiovisual and printed information materials: In 2016, the Ministry of Justice produced televised clips that were widely circulated on social networking sites with the aim of informing women about their due process rights. A number of civil society institutions also published and disseminated on social networking sites various information materials designed to inform women about their rights, remedies and judicial proceedings.
- § Celebrations are held to mark international days relating to women, including International Women's Day in March of each year and the International Day for the Elimination of Violence against Women on 25 November of each year. These days are filled with a range of activities for raising awareness of women's rights, explaining the seriousness of their violation and providing information on remedies, reparation, assistance and the like. In 2016, the Human Rights Commission commemorated the World Day against Trafficking in Persons, which falls on 30 June, by rolling out extensive programmes and activities in several areas and governorates of the Kingdom to raise awareness of trafficking in persons.
- § Cultural and sports events and platforms, such as the King Abdulaziz Centre for National Dialogue, are used to raise awareness of women's rights, as are mosques, international book fairs, the national heritage and cultural festival in Janadriyah, and various sports activities.

18. Concerning the removal of obstacles to women's access to justice and discrimination against them in that regard, the Kingdom's laws guarantee the right of access to justice for citizens and residents on the basis of equality. Article 47 of the Basic Law of Governance provides that: "The right to initiate proceedings is equally guaranteed to citizens and residents." Judicial laws and decisions and directives issued by the judicial authorities contain provisions to facilitate access to justice and promote the principle of equality before the courts. Directives constituting positive discrimination have also been issued in order to facilitate access to justice, such as by enabling women in matrimonial and subsequent cases to rescind the marriage contract and to bring proceedings in their places of residence or in the nearest court thereto, as an exception to the principle enunciated in article 36 of the Code of Sharia Procedure promulgated by Royal Decree No. M/1 of 22 Muharram A.H. 1435 (25 November A.D. 2013), which states that proceedings must be brought in the defendant's place of residence. Furthermore, Supreme Order No. 28277 of 12 Jumada II A.H. 1435 (21 March A.D. 2014), referred to in paragraph 15 of the present note, contains a directive to accelerate the operationalization of specialized courts and their establishment throughout the entire Kingdom and to take the necessary action to increase the number of judges so that cases can be promptly heard and settled. It also places importance on opening more women's sections in all courts and having qualified female personnel available to aid women's cases in those courts.

19. Pursuant to Royal Order No. A/240 of 22 Ramadan A.H. 1438 (17 June A.D. 2017), the Public Prosecutor's Office reports directly to the King and is fully independent. No one is permitted to interfere in its work. The Public Prosecutor's Office is in charge of investigating offences, looking into whether or not to bring proceedings, conducting prosecutions before judicial bodies in accordance with the law governing it, challenging decisions, overseeing their implementation, monitoring and inspecting prisons and places of detention, receiving complaints of prisoners and detainees, and establishing the lawfulness of their imprisonment or detention and the lawfulness of them remaining in prison or detention beyond the completion of their sentences.

20. Pursuant to Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), referred to in paragraph 6 of the present note, all government bodies must refrain from requesting a woman to obtain her guardian's permission for them to provide services to her or conclude procedures for her.

21. With regard to whether the Convention has been invoked before the courts, the Kingdom reaffirms what is stated in paragraph 67 of the report. Upon the Kingdom's ratification of the Convention, the Convention became a part of its domestic law. Accordingly, the provisions of the Convention by which the Kingdom is bound are essential legal elements that may be adduced in court. The circular issued by the Attorney General on 16 Muharram A.H. 1437 (29 October A.D. 2015) explicitly states that the Convention on the Elimination of All Forms of Discrimination against Women should be used as a basis for decisions to bring charges and prosecutions in related cases.

22. The Kingdom's laws prohibit discrimination against women in courts of all types and levels. Article 47 of the Basic Law of Governance, referred to above, provides that the right to initiate proceedings is equally guaranteed to citizens and residents. The information set out in the report and in the present note explains the measures taken in this regard. Article 2 of the Imprisonment and Detention Act provides for the establishment of prisons for men and others for women, as is also the case with detention centres. Women and their needs in terms of food, medical and social care, correctional and other targeted programmes are catered for in the Act. Women also receive special medical care during and after pregnancy. The care is extended to their children, who remain for two years in their custody in a dedicated

area of the prison meeting all sanitary requirements, where the standards observed are centred on the principle of the best interest of the child. Women's prisons and detention centres are entirely separate from men's prison buildings and premises and their internal running is handled by specialized and highly competent female personnel.

23. Prisons and detention centres are liable to inspection by the executive and judicial authorities. The Public Prosecutor's Office may monitor and inspect prisons and detention centres at any time, have direct contact with prisoners and detainees, and hear their complaints, in accordance with article 38 of the Code of Criminal Procedure and article 25 of its implementing regulation promulgated by Cabinet Decision No. 142 of 21 Rabi' I A.H. 1436 (12 January A.D. 2015). The Human Rights Commission, in accordance with article 5 of its Statute, may also visit prisons and detention centres at any time and without permission from the competent authority. As part of the efforts of civil society organizations in this domain, the National Human Rights Society also frequently visits prisons and detention centres.

24. With regard to the provision of legal aid, article 139 of the Code of Criminal Procedure stipulates that, if a person accused of major offences lacks the financial means to seek the assistance of a lawyer, he may request the court to appoint a lawyer to defend him at the State's expense. This provision is equally applicable to men and women. Promulgated by Cabinet Decision No. 317 of 8 Rajab I A.H. 1436 (27 April A.D. 2015), the Statute of the Saudi Bar Association sets out in article 2, paragraph 7, the objectives of the Association, one of which is to provide legal aid and technical advice in its sphere of competence to beneficiaries. In this respect, women lawyers play a substantial and noteworthy role. As at the beginning of November 2017, there were 4,620 lawyers, 185 of them women. The Ministry of Justice has also signed an agreement with civil society organizations concerning the provision of technical assistance and advice with respect to judicial proceedings.

Reply to paragraph 8 of the list of issues and questions

25. Article 5, paragraph 7, of the Statute of the Human Rights Commission provides that the Commission is competent to "receive human rights complaints, determine their veracity and take statutory action thereon." Subjects of complaint have included criminal justice, identity and nationality, protection from violence and abuse, education, health, social care, protection from trafficking in persons, access to justice, seizure of property, development, environment, privacy, and opinion and expression.

26. Through awareness-raising programmes and activities, the Human Rights Commission familiarizes the community, including women, and its institutions with the complaints mechanism and related procedures. Practically every programme and activity aimed at disseminating a human rights culture encompasses this goal. Examples include abuse protection programmes, which explain the available remedies and the procedures for reporting and lodging complaints. Members of the Human Rights Commission taking part in fairs and festivals also inform the public about the workings of the complaints mechanism and provide technical advice. The Commission's website furthermore provides information about the submission of human rights complaints and contains a window for submitting them online.

27. As mentioned in paragraph 30 of the report, the Human Rights Commission was established with the aim of protecting and promoting human rights in accordance with international human rights standards in all spheres, raising awareness of human rights, and helping to ensure that those processes are carried out with the Islamic sharia in mind. It has a corporate personality and is independent in the performance of the functions for which it was established, as provided for in its Statute. With a view to strengthening its independence and activity, Cabinet Decision No. 237 of 5 Jumada II

A.D. 1437 introduced various amendments to its Statute. In particular, the Commission now reports directly to the King, whereas it was previously a part of the executive branch of government.

28. With regard to the Commission's mandate in relation to women's rights, it is concerned with the protection and promotion of human rights in general, including women's rights, through the following means:

- § **Monitoring and follow-up:** This role consists in determining that the key legal requirements relating to human rights (regional and international conventions, laws, regulations, order, decisions and so forth) are being implemented by government agencies; uncovering misdeeds and taking statutory action accordingly; conducting visits to prisons and detention centres at any time without the permission of the competent authority; and reporting on such visits to the King.
- § **Remedy:** This role consists in receiving human rights complaints, determining their veracity, taking statutory action as necessary, and initiating and responding to proceedings concerning human rights matters.
- § **Provision of advice:** The Commission gives an opinion on bills of law relating to human rights, reviews existing laws and proposes amendments thereto in accordance with the statutory procedures. It also gives opinions concerning the Kingdom's accession to or the provisions of international human rights instruments, prepares annual reports on the human rights situation in the Kingdom, and provides technical advice to relevant civil society organizations and individuals.
- § **Awareness-raising and education:** It formulates general policy on the development of human rights awareness; proposes ways of disseminating a human rights culture and raising awareness of human rights through institutions and agencies involved in education, training, information and so on; organizes and participates in human rights conferences at home and abroad, in accordance with the related statutory procedures; and publishes leaflets, magazines and printed materials on the Commission's aims and functions.
- § **National, regional and international cooperation:** This role consists in cooperating with national, regional and international associations, organizations and institutions working in the field of human rights so as to achieve the Commission's goals and develop its relations.

29. Concerning the Commission's human, technical and financial resources, the Board of the Commission supervises and handles its affairs in accordance with article 5 of the Commission's Statute. It is composed of a president, a vice-president, a minimum of 18 full-time members who are highly qualified and recognized for their integrity, competence and experience in the area of human rights, and a minimum of 6 non-full-time members. Members are appointed for a four-year renewable term of office. The Board is presently in its third term and has six female members. The Commission has a president, with the rank of minister, who manages and represents it, facilitates its work in line with its powers and duties, and ensures that it functions smoothly, in accordance with article 9 of its Statute. It also has a high-ranking vice-president, who assists the president and assumes his duties in his absence, pursuant to article 10 of the Statute. The Commission also comprises a number of male and female officials who specialize in its areas of concern.

30. With respect to financial resources, article 17, paragraph 1, of the Statute provides that: "The Commission shall have an independent budget prepared and adopted in accordance with the procedures for adoption of the State budget. Spending

from it shall be in accordance with the State budget instructions. The Commission's funds shall be composed of:

(a) Allocations from the State budget;

(b) Income realized from activities performed as part of the Commission's functions;

(c) Donations, assistance, grants and bequests accepted by the Commission pursuant to the rules formulated by its Board;

(d) Other resources that the Board of the Commission decides to add to the Commission's funds.

Reply to paragraph 9 of the list of issues and questions

31. Cabinet Decision No. 443 of 20 Shawwal A.H. 1437 (25 July A.D. 2016) approved the Statute of the Council for Family Affairs, which is chaired by the Minister of Labour and Social Development and tends to family matters in the Kingdom. Article 6 of the Statute provides that the Council shall establish technical committees, as necessary, including a committee on children, a committee on older persons and a committee on women. Pursuant to article 4 of the Statute, the aim of the Council is to promote and advance the status and role of the family in society and safeguard the family as a strong and cohesive unit that cares for its children and is committed to religious and moral values and ideals. The Council's main tasks include drafting a family strategy in conjunction with relevant entities; ensuring that governmental and non-governmental stakeholders perform their family-related roles and achieve their objectives; coordinating with those stakeholders to build a shared vision for the family; raising awareness of the rights and duties of family members in Islam; identifying problems and risks to which families may be vulnerable and working for appropriate solutions; encouraging non-governmental involvement in family issues; proposing solutions to those issues; and preparing a database on family affairs.

32. The Council for Family Affairs began operating in October 2017 and recommended a review of the laws relating to women's rights with respect to legal proceedings, personal status and equality in employment. It called for the establishment of family courts for dealing with women's issues and family matters and also recommended that civil society organizations at all levels should actively engage in raising awareness of women's rights.

33. Pursuant to article 5, paragraph 2, of its Statute, the Human Rights Commission monitors government bodies to ensure that, with respect to the international human rights instruments to which the Kingdom has acceded, they are taking the measures needed to implement the parts of those instruments that concern them.

34. With regard to the national human rights strategy referred to in paragraph 150 of the report, it was drafted by a committee composed of governmental and non-governmental stakeholders. The draft strategy has six areas of focus, specifically: the legal framework; institutional capacities; civil society; the business sector; human rights culture; and regional and international cooperation. Stemming from these are a number of goals, programmes and initiatives addressing all human rights.

35. As to integration of the 2030 Agenda for Sustainable Development, measures taken in the context of the Kingdom's development plans and its Vision 2030 are consistent with the 13 Sustainable Development Goals (for Vision 2030 and its programmes, please visit the website via the link: www.vision2030.gov.sa). The Kingdom takes account of international visions in drawing up its plans and strategies and has in fact exceeded many of the goals aspired to in those visions.

Reply to paragraph 10 of the list of issues and questions

36. The report and the present note contain information that explains the cooperation and coordination taking place between government agencies and civil society organizations in order to fulfil the Kingdom's obligations under the Convention. Civil society organizations are furthermore involved in the work of proposing, preparing and reviewing laws and mechanisms, such as the Abuse Protection Act and the Maintenance Fund referred to in paragraph 6 of this note. The National Society for Human Rights has also produced a study on the compatibility of the Kingdom's laws with international standards. A number of civil society organizations play a supervisory role in receiving complaints, monitoring violations and abuses of women's rights, and contacting the concerned government entities. They also play an advisory role concerning the Kingdom's periodic reports. Civil society organizations have made substantial efforts to raise awareness of women's rights, including by making the Convention more widely known. Concerning the involvement of civil society organizations in preparing the report, a number of them contributed to the different stages of the preparation, as described in paragraph 4 of the report. Their contribution was not confined to the review and national consultation stage, as they also actively participated in the preparation and information-gathering stages.

37. The Kingdom affirms that civil society organizations are essential partners with government agencies in the protection and promotion of human rights, including women's rights. It has strived to create an appropriate and enabling environment in which these organizations can operate freely and independently. Hence, the Associations and Foundations Act mentioned in paragraph 14 of the report states that its objectives include the regulation, development and protection of non-governmental activities and the provision of government aid for associations. Under the Act, associations working for the public interest, including the protection and promotion of human rights, acquire public benefit status, meaning that their assets may not be seized without a judicial ruling. The Act also contains provisions to facilitate the establishment of associations, including by requiring the Ministry of Labour and Social Development to reply to applications to establish an association within 60 days of the date of completion of the application forms. A lack of reply is taken to mean that the application has been approved.

38. Concerning the legal conditions for the establishment of non-governmental associations and institutions, articles 8 and 9 of the Non-Governmental Associations and Foundations Act sets a number of conditions that promote the independence of associations, improve the efficiency of their operation and ensure that they are not exploited. In particular, an application to establish an association must be submitted by not less than 10 Saudi natural or corporate persons; the natural persons must have full legal competence and no final convictions against them for an offence involving breach of honour or trust, unless they have been rehabilitated; and the establishment of an association may not be approved if its constitution contains provisions contrary to the Islamic sharia, public order or other principles, which is consistent with the relevant international standards.

39. One of the outcomes of the support for civil society institutions and the creation of an enabling environment in which they can operate freely and independently is that, as at the end of October 2017, the number of non-governmental associations and institutions in the Kingdom, most of them involved in human rights or specific areas of human rights, had reached 1,046. The financial support provided to them in A.H. 1437 (A.D. 2016) by the Ministry of Labour and Social Development amounted to 600 million Saudi riyals (SR). Following the promulgation of the Non-Governmental Associations and Foundations Act referred to in paragraph 86 of the report, a total of

28 associations and institutions have been established. The Act and the Kingdom's laws ensure the diversity and independence of civil society organizations and their exercise of freedom of expression.

Reply to paragraph 11 of the list of issues and questions

40. Concerning an impact assessment of measures undertaken to counter stereotypes and negative customs that feed discrimination against women, the report as a whole contains information on the impact of those measures. The present note also describes various additional measures taken to eliminate such ideas and practices. Textbooks are periodically reviewed by the Ministry of Education in order to improve them comprehensively and ensure that they contain nothing to feed negative attitudes towards women and girls. Should any such content be found, it is immediately addressed within the framework of the periodic review of textbooks and school curricula.

Reply to paragraph 12 of the list of issues and questions

41. Under the Abuse Protection Act and the Child Protection Act, all harmful practices of any kind, including female genital mutilation, are criminal offences. Hospitals and health centres do not perform female genital mutilation, in line with World Health Organization policies on the subject. As to polygamy, the situation was explained in paragraph 148 of the report. Concerning forced marriage, it is prohibited under the Islamic sharia. Marriage takes place only with the woman's free and full consent, as was made clear in paragraph 144 of the report.

42. With regard to criminal charges, various procedures are undertaken to characterize the incident in each case before the case reaches the judge and all of the safeguards guaranteed during arrest, detention and trial are available to accused persons. When handing down a conviction, the judge determines the penalty on the basis of the harm caused to the victim.

43. Concerning dress (niqab, burka and the like), the Kingdom's laws do not require women to wear any specific type of clothing. The only requirement instead is that women, in accordance with the Islamic sharia, should not appear in public facilities and places without a hijab. Hence, the principle to be applied is that clothing must cover the parts of a woman's body as determined by the sharia. The choice of which type or form of hijab to wear is left to women, as it is a matter of religious observance that depends on the woman's doctrinal or cultural background. Each society has its specific cultural characteristics that must be respected and this is one of them. A number of international declarations and resolutions urge respect for cultural diversity, notably the Universal Declaration on Cultural Diversity, adopted by the United Nations Educational, Cultural and Scientific Organization in 2001, Human Rights Council resolution 21/3, adopted on 20 September 2012, and subsequent resolutions.

44. Concerning the marriage of minors, the study referred to in paragraph 148 of the report has been completed and is in the course of statutory procedures. Furthermore, article 16/3 of the implementing regulation of the Child Protection Act states that, before a marriage takes place, it must be established that no harm will result to the persons to be married if they are under 18 years of age, thereby achieving the best interests of those persons, whether male or female.

Reply to paragraph 13 of the list of issues and questions

45. The Abuse Protection Act, the Child Protection Act and the Convention, in that it has the same legal status as the Kingdom's laws, constitute a legal framework for the protection of women and girls from all forms of violence. The directive to prepare

a bill of law on harassment, mentioned in paragraph 6 of the present note, is designed to strengthen these legal foundations. The monitoring and judicial redress mechanisms in place are available to all women, without distinction, and together they ensure that women are protected from violence and have access to medical and legal assistance, as well as reparation, and that there is no impunity for perpetrators. In addition to the information provided in paragraph 53 of the report, the Public Prosecutor's Office, in accordance with article 17 of the Code of Criminal Procedure referred to paragraph 5 of the present note, institutes criminal proceedings and investigates offences giving rise to a private right of action, where deemed to be in the public interest.

46. The Council of Family Affairs is rolling out a number of projects and initiatives aimed at the elimination of domestic violence, including violence against women. Among these in particular is first of all an initiative to develop an integrated package of services to cover victims' needs during and after domestic violence. This includes improving existing services; providing other services in protection units by way of community partnerships; voluntary activity; and making certain that victims of domestic violence suffer no loss of their rights, using various means to do so, such as forming a stakeholders' working group, establishing a mechanism for providing legal support, and ensuring access to psychosocial treatments. Second is an initiative to develop mechanisms for cooperation among all stakeholders in domestic violence, which includes combining the efforts and working mechanisms of those involved in combating such violence to ensure compliance with, and proper application of, the laws. This initiative was launched by organizing workshops of experts with the aim of arriving at a single definition of domestic violence; publishing a consolidated guide to increase knowledge about the forms, patterns and levels of domestic violence; approving special courses on definitions of domestic violence; and adopting a standard mechanism for receiving and processing reports of domestic violence. Third is an initiative to develop information campaigns aimed at protecting the community from domestic violence. The aim of this initiative is to raise public awareness concerning the seriousness of violence and the need to protect women from it, provide information about the reporting mechanisms, and assess public awareness levels before and after the campaigns.

47. Rape is a criminal offence under the Islamic sharia and demands the maximum penalty, as it is an assault on honour, one of the five essentials that the sharia seeks to protect. It is therefore classified as a major offence. Concerning sexual assault within marriage, each case is considered individually. The criterion for whether or not it is a criminal offence is the harm inflicted on the wife, in accordance with the sharia principle of "do no harm". Coercion may amount to a criminal act under the Abuse Protection Act in some cases or it may not. The Islamic sharia urges husbands to live in kindness with their wives ("Live with them in kindness.": chapter of the Qur'an entitled "Women", verse 19) and to do them no harm ("Harass them not....": chapter of the Qur'an entitled "Divorce", verse 6). Sexual assault in all its forms is a criminal offence under the Islamic sharia and the Kingdom's laws, including the Abuse Protection Act, as is harassment. A bill of law on harassment is currently being drafted, which will strengthen the legal framework for protection against such abuses. As to what are known as honour crimes, no cases were recorded during the reporting period.

48. Concerning family reconciliation in cases of domestic violence, the Kingdom's relevant laws, including in particular the Code of Criminal Procedure, the Abuse Protection Act and the Child Protection Act, contain provisions contradicting the idea that such reconciliation can lead to the revictimization of the woman. These include article 17 of the Code of Criminal Procedure, which empowers the Public Prosecutor's Office to initiate and follow up proceedings with respect to offences

involving a private right of action, where it deems it beneficial, even if the victim abandons the claim or reconciles with the offender, and article 3 of the Abuse Protection Act, which provides that:

> "1. Anyone who becomes aware of a case of abuse must report it instantly.
>
> "2. Subject to the procedures required by the relevant laws, all civil servants and military personnel and all employees in the private sector who, by virtue of their work, become aware of a case of abuse shall be required immediately to inform their employer, who must promptly report the case to the Ministry or the police. The reporting procedures shall be prescribed by regulations."

49. The claims that women and girls who are victims of sexual abuse have been punished for having sexual intercourse outside of wedlock and adultery are incorrect. Victims receive redress and not punishment in that the penalties prescribed by the sharia and law are imposed on the offender, and the victim is provided with medical, social and legal assistance. Article 5 of the Trafficking in Persons Act provides that: "No account shall be taken of the victim's consent to any of the offences provided for in this Act." Victims are also entitled to compensation. Article 16 of the Code of Criminal Procedure provides that: "Victims or their representative and their heirs may initiate criminal proceedings in all cases involving a private right of action and shall pursue such proceedings before the competent court. In this event, the court shall notify the prosecutor to attend." As to if an offence was committed independently of the offence of assault and the victim was willing and not coerced or forced by anyone, she is punished for that offence.

50. There are no cultural or legal obstacles to women's access to justice. The report and the present note contain information about measures taken to promote the right of women to access justice, notably those of promulgating Supreme Order No. 8328/MB of 28 Shawwal A.H. 1429 (28 October A.D. 2008); creating women's sections in courts and notarial offices; providing women with copies of all their financial documents in order to protect their financial and other rights; addressing any delays affecting women's rights; working to prevent any violence to which women may be vulnerable for having instituted proceedings; imposing appropriate punishment if such violence is established; bringing into play the role of the executive in monitoring the implementation of court decisions; tackling any instances of apathy, procrastination or attempts to obstruct decisions concerning women; attending to complaints received from women; establishing a clear and precise method for receiving, substantiating and handling such complaints; and promulgating Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), referred to in paragraph 6 of the present note.

51. No authority in the State has the power to modify or suspend the corporal punishments prescribed for qisas offences (murder and assault) and hudud offences (for which there are specific penalties in the Qur'an and Sunna), as they are categorically provided for in the Islamic sharia, with no leeway for interpretation. These punishments are confined to certain defined offences, with particular methods of proof. Judicial opinion, however, tends towards waiving hadd punishment on the basis of the legal principle "seek doubts to avoid punishment". In qisas cases, one or more of the next of kin may pardon the offender as their indisputable personal right, in which case the punishment is waived. In discretionary cases, the Islamic sharia leaves it to the judge to choose the appropriate punishment from among a number of possible punishments, taking into consideration the objective and individual circumstances of the offence.

52. Corporal punishment in the settings of the family, schools and penal institutions is prohibited under the Kingdom's laws and involves criminal and administrative

accountability. Foremost among those laws are the Abuse Protection Act and the Child Protection Act, in addition to the directives issued by the Ministry of Education to prohibit corporal punishment in schools pursuant to Ministerial Circular No. 1821 of 14 Dhu al-Qidah A.H. 1426 (3 April A.D. 1996) and the educational measures that teachers are required to use as alternatives to corporal punishment.

Reply to paragraph 14 of the list of issues and questions

53. Pursuant to article 1 of the Trafficking in Persons Act, promulgated by Royal Decree No. M/40 of 21 Rajab A.H. 1430 (14 July A.D. 2009), trafficking in persons means: "The use, recruitment, transfer or harbouring of persons for the purpose of exploitation." Article 2 provides that: "Trafficking in persons is prohibited in all its forms, including by means of coercion, threat, fraud, deception, abduction, improper use of position or influence, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual assault, forced labour or services, begging, slavery or practices similar to slavery, servitude, the removal of organs or the conduct of medical experimentation." This definition is compatible with international standards, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), to which the Kingdom acceded by Royal Decree No. M/56 of 11 Jumada I A.H. 1428 (26 June A.H. 2007). Two forms of trafficking, namely begging and medical experimentation, were additionally included under the Act. The implementation of the laws referred to in the Committee's observation was explained in paragraphs 18, 34, 70, 71, 72, 73, 74, 75 and 76 of the report.

54. The national plan for combating trafficking in persons offences, referred to in paragraph 34 of the report, covers the years A.H. 1438–A.H. 1441 (A.D. 2017–A.D. 2020) and has a budget of SR30 million (equivalent to US$ 8 million) earmarked for its implementation. Concerning the Financial and Human Resources Committee, it is chaired by the President of the Human Rights Commission (with the rank of minister) and comprises qualified representatives of relevant government bodies. It is responsible for providing technical and administrative assistance to the Public Safety Committee, which is composed of experts in the Committee's areas of concern. As a part of the Human Rights Commission, the Committee is funded from the Commission's annual budget. A sophisticated online database linking the bodies represented on the Committee is currently being developed and will serve as an national information resource for combating trafficking in persons.

55. In 2015, the Human Rights Commission received 22 complaints concerning trafficking in persons, which amounted to 1 per cent of total complaints received. In 2016, 15 complaints, or 0.6 per cent of the total number of complaints, were received. The table below shows the cases of trafficking in persons heard by the courts from the beginning of A.H. 1438 to Safar A.H. 1439 (October 2016 to October 2017.

Charge	*Number of cases*	*Number of persons convicted*	*Number of female victims*	
			Saudi	*Non-Saudi*
Abuse	1	2	0	2
Sexual exploitation	2	4	0	2
Harbouring or exploitation	5	4	0	32
Begging	2	8	0	0
Transfer	19	6	0	15
Transfer, exploitation and smuggling	14	16	0	9
Total	**43**	**40**	**0**	**60**

56. With respect to training government officials to deal with trafficking in persons offences, the Human Rights Commission, in accordance with its functions and within the framework of the memorandum of understanding for technical cooperation concluded with OHCHR, referred to in paragraph 62 of the report, organizes training activities aimed primarily at government officials, judges, prosecutors, law enforcement officials, lawyers and representatives of civil society organizations. Such activities included the training course organized in March 2014 on successful experiences of States in the area of trafficking in persons. In 2012, as part of its human rights awareness-raising activities, the Commission held a seminar explaining the Trafficking in Persons Act and also organized other ongoing activities on the subject. The aim of these activities is to equip the participants for whom they are designed with the skills and knowledge needed to familiarize them with all the remedies, such as monitoring, documentation, protection, prosecution, assistance in all its forms, in particular legal assistance, including the appointment of lawyers, access to translators, rehabilitation, and reparation.

57. By law, victims of trafficking in persons and sexual exploitation must be protected and receive redress, medical, social and legal assistance, and any necessary compensation. They are not criminalized unless they perpetrate a criminal act under the Kingdom's laws. Article 15 of the Trafficking in Persons Act provides that: "The following measures shall be taken at the investigation or trial stage with respect to victims of a trafficking in persons offence:

1. Informing victims of trafficking in persons of their statutory rights in a language that they understand;
2. Giving them the opportunity to declare their status, including as victims of trafficking in persons, and likewise their legal, physical, psychological and social status;
3. Sending them for examination by the competent physician if they are clearly in need of medical or psychological care or if they so request;
4. Placing them in a medical, psychological or social rehabilitation centre if clearly required by their medical or psychological condition or their age;
5. Having them admitted to a specialist centre if they are in need of shelter;
6. Providing protection, where necessary for safety;
7. In cases of foreign victims, the Public Prosecutor's Office or the court shall assess whether it is necessary for them to remain in the Kingdom or work while investigation or trial procedures are ongoing."

Reply to paragraph 15 of the list of issues and questions

58. In addition to what is mentioned in paragraphs 78 to 85 of the report, women continuously receive the necessary encouragement and support from institutions and the community concerning their participation in political and public life. One of the key focuses of Vision 2030 of the Kingdom of Saudi Arabia is on Saudi women as an important element of our strength. They account for over 50 per cent of the total number of university graduates and work is constantly under way to develop their talents, harness their energies and enable their access to appropriate opportunities for building their future and contributing to the development of our society and economy. One of the aims sought by A.H. 1452 (A.D. 2030) is to increase women's participation in the labour market from 22 per cent to 30 per cent. Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), referred to in several parts of the present note, also states that the Human Rights Commission is to receive support enabling it to develop the programmes needed to increase knowledge of the international

conventions to which the Kingdom has acceded by producing a comprehensive plan for raising awareness of women's rights. The draft national strategy for human rights, referred to in paragraph 34 of the present note, furthermore comprises a number of initiatives aimed at the advancement of women and removal of the obstacles they encounter.

59. Concerning quotas for increasing the representation of women in public and political life, 20 per cent of seats in the Shura Council are set aside as a minimum for women, as stated in paragraph 78 of the report. In the case of municipal councils, women who so wish have the open opportunity to stand for election pursuant to the Municipal Councils Act promulgated by Royal Decree No. M/61 of 4 Shawwal A.H. 1435 (31 July 2014), referred to in paragraph 50 of the report, which provides that they may stand as candidates and be elected on a basis of equality with men.

Reply to paragraph 16 of the list of issues and questions

60. The Saudi Arabian Nationality Act treats men and women equally with regard to the acquisition, change and retention of nationality. Article 12 of the Act guarantees that no Saudi woman loses her Saudi nationality as a consequence of her spouse's loss of Saudi nationality in the event that he acquires a foreign nationality, unless she decides to take her spouse's nationality and acquires it in accordance with the relevant law. Article 17 also guarantees that: "No Saudi Arabian woman shall lose her nationality if she marries a foreign national, unless she decides and announces that she is to take the nationality of her spouse and does so in accordance with the relevant law." Article 18 provides that: "A Saudi Arabian woman married to a foreign national may have her Saudi Arabian nationality restored to her after the end of the marriage and her return to reside in the Kingdom." The Act does not discriminate against either sex with respect to the acquisition of Saudi Arabian nationality by way of ordinary or special naturalization.

61. Concerning whether women are able to pass on their nationality to their foreign spouses and their mutual children, non-Saudi children of Saudi women who are born in the Kingdom may acquire Saudi Arabian nationality through special naturalization. Article 8 of the Saudi Arabian Nationality Act provides that: "Saudi Arabian nationality may be granted by a decision of the Minister of the Interior to all persons born in the Kingdom of Saudi Arabia to a foreign father and a Saudi mother, if the following conditions are fulfilled:

(a) They have permanent residence status in Saudi Arabia when they reach the age of majority;

(b) They are of good conduct and have not been convicted of a crime or sentenced to imprisonment for a period of more than six months for an offence of indecency;

(c) They are proficient in the Arabic language;

(d) They apply for Saudi Arabian nationality within one year of attaining the age of majority."

62. With regard to ensuring the effective implementation of Cabinet Decision No. 406 of 27 Dhu al-Hijjah A.H. 1433 (12 November A.D. 2012) granting privileged services and facilities to the children of Saudi women, the concerned authorities oversee its implementation and monitor compliance. Under its Statute, the Human Rights Commission follows up the implementation of this decision and takes the necessary action as soon as any failure in implementation is identified. The Ministry of Labour and Social Development also monitors the private sector to ensure the implementation of this decision. It does so through its Inspection Department, which

deals immediately with any identified failure and imposes the penalties prescribed by law on the employers responsible.

63. In respect of the Kingdom's reservation to article 9, paragraph 2, of the Convention, periodic reviews of regional and international human rights instruments are undertaken and include the reservations expressed by the Kingdom to some of these instruments.

Reply to paragraph 17 of the list of issues and questions

64. Twenty-five years ago, the illiteracy rate in Saudi Arabia stood at almost 60 per cent, the greater part of which was accounted for by women. By the grace of God and thanks to the efforts to combat illiteracy, the rate had fallen to 5.31 per cent at the end of A.H. 1436 (A.D. 2015) and among women to 8.27 per cent. During the coming years, within the framework of its national vision and relevant strategies and guided by the 2030 Sustainable Development Agenda, the Kingdom will strive to reduce the rate to a minimum by continuing to roll out versatile programmes, such as the Society without Illiteracy and City without Illiteracy programmes, the Caravans of Light project, the Educated Neighbourhood programme and other programmes specifically aimed at women, in the various regions, governorates, main centres and small villages. To the same end, it will also strive to eliminate the dropout rate of girls from school and to provide financial and other incentives to the target groups. The Kingdom has been giving financial bonuses to male and female students alike for some time, in addition to which university education is free of charge.

65. Concerning extracurricular and sporting activities, the Minister of Education issued a decision on 17 Shawwal A.H. 1438 (11 July A.D. 2017) to begin implementing a physical education programme in girls' schools as from the academic year A.H. 1438/39 (A.D. 2017/18). This decision implements one of the goals of Vision 2030 of the Kingdom of Saudi Arabia, which is to increase the percentage of those practising sport. The Saudi Community Sports Federation, chaired by the female deputy of the General Sports Authority, plays a substantial role in enabling members of the public, including women and girls, to engage in sports activities.

66. School curricula and textbooks used in all levels of general education are periodically reviewed to ensure that they fulfil their educational role to the fullest and that they contain nothing that could be considered as discrimination against women or as belittling them. A company specializing in the development of education services has been commissioned to review, develop and print teaching curricula as from 2017. The secondary level comprises a number of different systems, including the term system and the course system, which are accessible to all male and female students throughout the Kingdom. The areas of specialization at university are also available to female students on a basis of equality with male students.

67. Vocational programmes take into account the differences between the sexes and are based on the needs of the labour market. In addition to what is mentioned in paragraph 92 of the report, there are hundreds of colleges and institutes in the Kingdom that offer vocational training, with support from the Ministry of Labour and Social Development and the Human Resources Fund.

68. Non-Saudi girls receive a public education (primary, intermediate and secondary), free of charge, on a basis of equality with Saudi girls. In 2016, a total of 345,620 non-Saudi girls were enrolled in the various stages of public education, 16,663 were enrolled in private education, and 146,596 were enrolled in foreign education. Most of them receive grants to continue their education at university. In 2016, the number of females enrolled in Saudi public universities amounted to 24,409. In the case of private university education, there is no discrimination of any kind

between Saudi and non-Saudi girls. In 2016, there were 10,245 non-Saudi females enrolled in private universities.

Reply to paragraph 18 of the list of issues and questions

69. Concerning the national plan launched by the Ministry of Labour and Social Development in order to expand employment opportunities for Saudi women, referred to in paragraph 103 of the report, it is being implemented through programmes aimed at promoting and increasing women's participation in the labour market. Various indicators clearly show the positive results of the plan, including a rise in the percentage of women employed in the private sector (companies, institutions, hospitals and shops) and a growing awareness of women's rights at work in general and within the family in particular. All Saudi women are included under this plan, without discrimination, and those benefiting from it most are women living in remote governorates and villages. There is no gender wage gap in equal work. Wages are furthermore determined on the basis of qualifications and experience, irrespective of gender.

70. Supreme Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017), referred to in paragraph 6 of this note, is among the legislative measures aimed at reducing the obstacles to women's participation in the labour market on a basis of equality with men. It contains a number of directives to that end, which include impressing upon all those concerned that there is no requirement to obtain the permission of a woman's guardian when providing services to her or concluding procedures for her. Employers are furthermore obliged to provide transport for female workers, as required under the Labour Code.

71. The Royal Order approving application of the Traffic Act and its implementing regulations, including the issuance of driving licences to males and females alike, was also promulgated, together with the Supreme Order requiring the Ministry of the Interior to draft the bill of law on harassment referred to in paragraph 6 of the present note.

72. Through its Inspection Department, the Ministry of Labour and Social Development ensures that firms employing 50 or more workers fulfil the requirement to provide crèches for the children of female workers. It is empowered to deal with breaches of the requirement immediately and to impose the sanctions prescribed in the Labour Code on the companies concerned.

73. Concerning loans granted to women entrepreneurs, social development loans for women's projects amounted to 21 per cent of all loans, while bank loans in 2014 amounted to 15 per cent of all loans, up from 9.1 per cent of total loans in 2008. It should be noted that the Lending and Savings Bank has been renamed the Social Development Bank.

Reply to paragraph 19 of the list of issues and questions

74. The right to health is a right guaranteed under the Basic Law of Governance, with health care provided to men and women on a basis of equality. Article 31 of the Basic Law provides that: "The State shall be responsible for public health and provide health care for every citizen." Under article 27 of the same Law, the State guarantees the right of citizens and their families in cases of emergency, sickness, incapacity and old age. As clearly detailed in the report, there is no disparity between the sexes in the delivery of health care and there are no laws or practices that allow otherwise. In addition to what is mentioned in the report, the Ministry of Health is currently working to transform hospitals and health centres into government companies in order to enhance efficiency, raise productivity, reduce waste, speed up decision-making and decentralize, thereby improving the quality of health services. This is part of the

National Transformation Programme, which is one of the core programmes of Vision 2030 of the Kingdom of Saudi Arabia.

75. With respect to reproductive health, the report includes information on the services provided, in particular concerning the rise in the proportion of pregnant women receiving care from health professionals from 88 per cent in 1990 to 98 per cent in 2014. A number of reproductive health programmes have been introduced, such as the healthy marriage programme and the advanced pregnancy programme. Abortion without a legitimate reason is prohibited by the Islamic sharia, as it involves the unlawful killing of a person and is a flagrant violation of the right to life. In cases where the mother's life is at risk, the Islamic sharia permits abortion in order to save the mother's life. The Kingdom reiterates its commitment to promoting the right to reproductive health in accordance with the Islamic sharia. Within the reporting period, there have been no cases of women being prosecuted for having undergone an abortion.

76. In respect of education on sexual health, the Ministry of Health and other concerned bodies deliver programmes aimed at promoting awareness among girls who are to be married. These programmes cover social, health, psychological and other topics. Through their courses and curricula, schools and universities also play their part in promoting awareness of rights and duties within marriage and in the family.

77. Concerning cancer prevention programmes, the Ministry of Health has introduced a breast cancer screening programme and a programme for preventing chronic disease and cancer and avoiding cancer-causing agents. A screening clinic has also been established to detect various diseases, among them breast cancer, including by mammogram.

78. Concerning female genital mutilation, please refer to paragraph 41 of the present note.

Reply to paragraph 20 of the list of issues and questions

79. With reference to paragraph 23 of the report, the sponsor is a concept that no longer exists in the Kingdom. The legal relationship between workers and employers is contractual. As part of its consideration of treaty body recommendations, the Kingdom is reviewing the current situation of migrant workers, including those employed in domestic service, in terms of the linkage of their services with employers. The abuses and violations to which the Committee refers in its observation are dealt with in accordance with the relevant laws indicated in the report and the present note. These include the Trafficking in Persons Act, which prescribes deterrent penalties of up to 15 years' imprisonment and a fine of SR 1 million, and the Regulations on Domestic Workers. Concerning the Committee's request for clarification concerning the inclusion of female domestic workers within the ambit of the Labour Code, that objective was realized with the promulgation of the Regulation on Domestic Workers, which contain provisions guaranteeing the rights of this category of workers and protecting them from the abuses and violations mentioned by the Committee. This Regulation is consistent with the relevant international standards. Nonetheless, it is periodically reviewed by the relevant authorities, including the Ministry of Labour and Social Development and the Human Rights Commission, as are all laws and regulations relating to human rights.

80. With regard to proactive measures to intensify efforts to prevent the abuse of migrant workers, numerous preventive steps have been taken, such as the awareness-raising undertaken by the Ministry of Labour and Social Development, the Human Rights Commission, the National Society for Human Rights and other relevant civil society institutions. The Committee on Trafficking in Persons also works to identify

and address the underlying causes of offences involving economic and sexual exploitation, while both the Inspection Department of the Ministry of Labour and Social Development and the Human Rights Commission play a part in monitoring. In recognition of the fact that ill-treatment, exploitation, violence and other abuses directed at foreign female workers, in particular domestic workers, may go unaccounted for, various measures have been taken to curb such types of abuse. In particular, multilingual awareness campaigns in the media and on social networks have been intensified, booklets and leaflets have been published to inform female workers about the remedies available in the event that any of their rights are violated, including the reporting mechanism, access to legal and translation assistance, legal recourse and the like. Swift and effective action is also taken in response to any abuse circulating on social networking sites. Female domestic workers contracted by individuals receive free medical care in government hospitals and health centres and those contracted by companies are covered by the Health Insurance Act, which obliges employers to provide health insurance for their employees.

81. Measures taken by the concerned authorities to enforce the ban on the retention of workers' passports pursuant to Cabinet Decision No. 166, referred to in paragraph 23 of the report, include monitoring, receiving complaints and carrying out inspections. The Ministry of Labour and Social Development imposes the statutory fine on those who violate the ban.

82. The information requested on the number of cases involving trafficking of female domestic workers and use of violence against them is covered by the statistics set out in paragraph 62.

83. Concerning the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, the international instruments to which the Kingdom has not acceded are periodically reviewed.

Reply to paragraph 21 of the list of issues and questions

84. The legal provisions in force in the Kingdom do not discriminate against women. Men and women are equal before the law. Testimony is generally governed, in accordance with the Islamic sharia, by a number of rules and conditions, be the witness a man or a woman. As in the case of other evidence, it is subject to judicial discretion.

85. With regard to the right of women to freedom of movement, their right to obtain a passport, travel outside the country and leave detention centres, prisons or shelters, and the ban on women from driving, please refer to paragraphs 20, 50, 58, 60 and 70 of the present note.

Reply to paragraph 22 of the list of issues and questions

86. In the Kingdom, personal status matters, including those referred to by the Committee in its observation (inheritance, polygamy, custody, marriage and divorce), are subject to the provisions of the Islamic sharia, which includes no discrimination that would have the effect of hampering or lessening the recognition of women's human rights. As to male guardianship over women, it has nothing to do with marriage. The Islamic sharia instead imposes male guardianship over women in marriage on the basis of a number of considerations primarily aimed at protecting women. Concerning a daughter's share of inheritance if she has one or more brothers, it is one half of her brother's share.

87. With regard to the Committee's request for clarification concerning the adoption of a unified personal status law, the draft compendium of judicial decisions referred to in paragraph 4 includes the Personal Status Code.

Reply to paragraph 23 of the list of issues and questions

88. Concerning accession to the Optional Protocol to the Convention, regional and international instruments to which the Kingdom had not acceded are always periodically examined to determine whether it is appropriate to accede to them.

Conclusion

89. The Kingdom hopes it has provided replies that will facilitate a constructive and interactive dialogue with the Committee on the Elimination of All Forms of Discrimination against Women. The information to be provided by the delegation of the Kingdom during the dialogue with the Committee at its sixty-ninth session, to be held during the period 19 February–9 March 2018, will help the Committee to better understand the situation of human rights in the Kingdom, in particular the rights established under the Convention. It will cover aspects that have not been sufficiently addressed in the documents submitted by the Kingdom, including the present note. The Kingdom affirms that it is moving well ahead in the area of promoting and protecting human rights through the adoption of legislative and procedural measures to that end. It has also benefited on that score from the work of treaty bodies, among them the Committee on the Elimination of All Forms of Discrimination against Women.

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